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February 29, 2016

VIA CERTIFIED MAIL

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Linda Schaffer, Facility Manager
Air Industries Company
12570 Knott St.
Garden Grove, CA 92841

Current President / CEO
SPS Technologies, LLC
4650 SW Macadam Ave., Ste. 300
Portland, OR 97239

Current President / CEO
Linda Schaffer, Facility Manager
Air Industries Company
7100 Chapman Ave
Garden Grove, CA 92841

Agent for Service of Process for Precision Castparts Corp:
National Registered Agents, Inc.
(CT Corporation)
818 W Seventh St, Ste. 930
Los Angeles, CA 90017

Current President / CEO
Precision Castparts Corp.
4650 SW Macadam Ave., Ste. 300
Portland, OR 97239

Agent for Service of Process for
SPS Technologies, LLC
National Registered Agents, Inc.
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818 W Seventh St., Ste. 930
Los Angeles, CA 90017

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Orange County Coastkeeper ("Coastkeeper") regarding violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] ("Storm Water Permit") occurring at two separate Air Industries Company facilities: (1) 12570 Knott St. Garden Grove, CA 92841 ("Knott Facility"), and (2) 7100 Chapman Ave. Garden Grove, CA 92841 ("Chapman Facility") (collectively, "Air Industries Facilities" or "Facilities"). Upon information and belief, Air Industries Company is owned and operated by SPS Technologies, LLC, doing business as Air Industries Company. SPS Technologies LLC is, in turn, owned by Precision Castparts Corp. For the purpose of this Notice and Intent letter, SPS Technologies LLC, a Precision Castparts Corporation company, doing business as Air Industries Company,

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2015-0057-DWQ.

will be referred to as "Air Industries."[3] The purpose of this letter is to put Air Industries, as the owner and operator of the Air Industries Facilities, on notice of the violations of the Storm Water Permit and the Clean Water Act occurring at the Air Industries Facilities, including, but not limited to, discharges of polluted storm water from the Air Industries Facilities into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, Air Industries is liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related Permits. Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related permits. Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1). This letter is being sent to you as the responsible owner and/or operator of the Air Industries Facilities, or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform Air Industries that Coastkeeper intends to file a federal enforcement action against Air Industries for violations of the Storm Water Permit and the Clean Water Act sixty (60) days from the date of this Notice Letter.

Specifically, this letter constitutes notice of Coastkeeper's intent to sue Air Industries for its violations of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311, 1342, and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("Storm Water Permit"), Water Quality Order No. 97-03-DWQ ("1997 Permit"), as superseded by Order No. 2015-0057-DWQ ("2015 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit includes many of the same fundamental requirements, and implements many of the same statutory requirements, as the 1997 Permit. Violations of these requirements constitute ongoing violations for purposes of CWA enforcement.

I. BACKGROUND

A. Orange County Coastkeeper

Orange County Coastkeeper is a non-profit public benefit corporation organized under

[3] The owners and/or operators of the Facilities are identified in Section I (B) below and referred to hereinafter as the "the Facilities Owners and/or Operators."

the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 9117117. Coastkeeper has over 2,000 members who live and/or recreate in and around the Anaheim Bay and Huntington Harbor watershed. Coastkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Orange County. To further these goals, Coastkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Coastkeeper use and enjoy the waters that Air Industries discharges into, including Sunset Bay - Huntington Harbor, and Anaheim Bay—Seal Beach National Wildlife Refuge, and Anaheim Bay - Outer Harbor. Members of Coastkeeper use and enjoy Huntington Harbor and the Anaheim Bay to enjoy water sports and other water activities, view wildlife, and engage in scientific study including monitoring activities. The discharge of pollutants from the Air Industries Facilities impairs each of these uses. Further, discharges of polluted storm water from the Air Industries Facilities are ongoing and continuous. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by Air Industries' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Owner and/or Operator of the Air Industries Facilities

Information available to Coastkeeper indicates that Air Industries is owned and operated by SPS Technologies, LLC, a Precision Castparts Corporation company, doing business as Air Industries Company; together they are the owners and/or operators of the Air Industries Facilities. SPS Technologies, LLC is an active California Limited Liability Company with California entity number 200334710145 with registered agent: National Registered Agents, Inc. (CT Corporation), 818 W Seventh St., Ste. 930, Los Angeles CA 90017. Precision Castparts Corporation is an active California Corporation with a California entity number C3523979 with registered agent: National Registered Agents, Inc. (CT Corporation), 818 W Seventh St., Ste. 930, Los Angeles CA 90017. Both registered California entities list their entity address with the California Secretary of State as 4640 SW Macadam Ave., Ste. 300, Portland, OR 97239.

Information available to Coastkeeper indicates that the Air Industries Knott Facility is comprised of Assessor's Parcel Number(s) ("APN"): 21501120 (12570 Knott St. Garden Grove CA 911741), and Air Industries Chapman Facility is comprised of APN 13134409 7100 Chapman Ave. Garden Grove, CA 92841)

Information available to Coastkeeper indicates both APN 21501120 and APN 13134409 are owned by Air Industries Company, which upon information and belief, is a part of SPS Technologies, LLC, a Precision Castparts Corporation company, doing business as Air Industries Company. When Coastkeeper refers to owners and operators herein, Air Industries Company, SPS Technologies, LLC, and Precision Castparts Corporation are referred to collectively as the Air Industries Facilities "Owners and/or Operators."

The Air Industries Facilities Owners and/or Operators have violated and continue to violate the procedural and substantive terms of their Storm Water Permits and the Clean Water Act for each of the Air Industries Facilities, including, but not limited to, the illegal discharge of pollutants from the Air Industries Facilities into local surface waters. As explained herein, the Air Industries Facilities Owners and/or Operators are liable for violations of the Storm Water Permits and the Clean Water Act.

C. The Air Industries Facilities' Storm Water Permit Coverage

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* Storm Water Permit, Finding #12. Upon information and belief, Air Industries first obtained Storm Water Permit coverage for the Knott Facility on April 7, 1992, which was subsequently terminated and coverage was reinitiated on May 16, 2005 under a new corporate structure. On May 18, 2015 Air Industries submitted an NOI for coverage under the 2015 Permit. The Knott Facility NOI identifies the owner/operator of the Air Industries Facilities as Air Industries Company. Upon information and belief, Air Industries first obtained Storm Water Permit coverage for the Chapman Facility on April 7, 1992, which was subsequently terminated and coverage was reinitiated May 16, 2005 under a new corporate structure. On May 18, 2015 Air Industries submitted an NOI for coverage under the 2015 Permit. The Knott Facility NOI identifies the owner/operator of the Air Industries Facilities as Air Industries Company.

The Air Industries Facilities names and locations are identified as follows: (1) Knott Facility, 12570 Knott St. Garden Grove CA 92841, and (2) Chapman Facility, 7100 Chapman Ave. Garden Grove, CA 92841. The NOI lists the Knott Facility as 212,474 sq. feet, or 4.88 acres with 1200 sq. feet exposed to Storm Water. The NOI lists the Chapman Facility as 101,568 sq. feet, or 2.33 acres with 375 sq. feet exposed to Storm Water. The NOI lists the Waste Discharge Identification ("WDID") numbers for the Air Industries Facilities as 8 30I019498 (Knott Facility) and 8 30I019497 (Chapman Facility).

The NOI lists the Primary Standard Industrial Classification ("SIC") code for the Knott Facility as 3452 (Bolts, Nuts, Screws, Rivets and Washers) with a Secondary SIC as 3471 (Electroplating, Plating, Polishing, Anodizing, and Coloring); the Chapman Facility Primary SIC is listed as 3452 (Bolts, Nuts, Screws, Rivets and Washers). Contrary to the Chapman Facility NOI, the Chapman Facility's 2015 Storm Water Pollution Prevention Plan ("SWPPP") notes that both SIC code 3452 and 3471 apply to the Chapman Facility. The Storm Water Permit classifies facilities with SIC code 3452 or 3471 under "Fabricated Metal Products." *See* 1997 Permit at Table D; 2015 Permit §XI(B) Table 1.

D. Storm Water Pollution and the Waters Receiving Air Industries' Discharges

With every significant rainfall event millions of gallons of polluted storm water

originating from industrial operations such as the Air Industries Facilities pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from industrial manufacturing facilities such as the Air Industries Facilities contain pH affecting substances; metals, such as iron and aluminum; toxic metals, such as lead, zinc, cadmium, chromium, copper, arsenic, and mercury; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS"); total organic carbon ("TOC") benzene; gasoline and diesel fuels; fuel additives; coolants; antifreeze; nitrate + nitrite nitrogen ("N+N"), specific conductance affecting substances; trash; and oil and grease ("O&G"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to Huntington Harbor and Anaheim Bay pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Air Industries Facilities discharge into Anaheim Barber City Channel, which drains into the Bolsa Chica Channel. The Bolsa Chica Channel is tributary to Sunset Bay – Huntington Harbor, Anaheim Bay – Seal Beach National Wildlife Refuge, and Anaheim Bay – Outer Bay, collectively referred to herein as the "Receiving Waters." Discharges of polluted storm water to the Receiving Waters pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied species, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The existing and/or potential Beneficial Uses for Bolsa Chica Channel include, at a minimum: warm freshwater habitat (WARM); and water contact recreation (REC1). The Beneficial Uses for Sunset Bay - Huntington Harbor include: navigation (NAV); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sportfishing (COMM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); marine habitat (MAR); water contact recreation (REC1); non-contact

water recreation (REC2); warm freshwater habitat (WARM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). The Beneficial Uses for Anaheim Bay—Seal Beach National Wildlife Refuge include: water contact recreation (REC1); non-contact water recreation (REC2); preservation of biological habitats of special significance (BIOL); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); marine habitat (MAR); and estuarine habitat (EST). The Beneficial Uses for Anaheim Bay—Outer Bay include: water contact recreation (REC1); non-contact water recreation (REC2); preservation of biological habitats of special significance (BIOL); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). *See* Basin Plan at Table 3-1.

According to the 2010 303(d) List of Impaired Water Bodies, Bolsa Chica Channel is impaired for ammonia, indicator bacteria, and pH.[4] Sunset Bay - Huntington Harbor is impaired for pathogens, copper, lead, chlordane, nickel, polychlorinated biphenyls, and sediment toxicity.[5] Anaheim Bay – Outer Bay and Anaheim Bay – Seal Beach National Wildlife Refuge are impaired for dieldrin, nickel, polychlorinated biphenyls, and sediment toxicity.[6] Polluted discharges from industrial sites, such as the Air Industries Facilities, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife that depends on these waters.

II. THE AIR INDUSTRIES FACILITIES AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The Air Industries Facilities Site Description and Industrial Activities

Information available to Coastkeeper indicates the Knott Facility (APN 21501120) is located in Garden Grove CA, near the intersection of Knott St. and Lampson Ave., while the Chapman Facility (APN 13134409 is in close proximity near the intersection of Knott St. and Chapman Ave. The addressed are as follows: (1) Knott Facility, 12570 Knott St. Garden Grove CA 92841, and (2) Chapman Facility, 7100 Chapman Ave. Garden Grove, CA 92841.

The Air Industries Facilities are industrial manufacturing facilities that produce fasteners and other equipment used primarily in the aerospace industry. Metallic manufacturing often includes powder metallurgy, metal mold casting, joining, smelting, and other industrial requirements. Oil and other lubricants are key components in these processes.

Information available to Coastkeeper indicates that the Air Industries Facilities have manufacturing buildings, oil tank storage areas, hazardous waste storage areas, parking lots, oil

[4] 2010 Integrated Report – All Assessed Waters, *available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on April 4, 2015).
[5] Id.
[6] Id.

barrels, leaking scrap metal bins and dumpsters, other garbage bins/cans, coolant storage areas, cooling towers, tanks, a wastewater and oil treatment system areas, areas for broken manufacturing machinery, and various heavy equipment employed for a variety of purposes.

Information available to Coastkeeper indicates Air Industries primary objective at the Facilities is manufacture and sell structural bolts, pins, fasteners and other parts for the aerospace industry. Air Industries accomplishes this by maintaining areas primarily dedicated to raw material storage, oil and coolant storage, industrial chillers, nitrogen tanks, office space, manufacturing, employee parking, waste water and oil treatment, hazardous waste storage, chemical drums storage, and areas for loading/unloading. The Air Industries Facilities' industrial activities include, but are not limited to: the use of raw metal spools to manufacture aerospace parts and fasteners, hardening, plating, threading, fueling, oiling, finishing, and repairing industrial manufacturing equipment at the Air Industry Facilities; storage of fuels, chemicals, and hazardous materials, such as diesel fuel, equipment fluids, manufacturing process chemicals, and hazardous waste fluids; vehicle parking; unloading of raw materials used in manufacturing, and process materials to keep the equipment operating; storage of chemical additives, creation and treatment of process wastewater; treatment of used oil; and equipment washwater.

Information available in EPA's Resource Conservation and Recovery Act ("RCRA") database indicates that Air Industries is enrolled under the RCRA hazardous waste permitting program, and is classified as a "Large Quantity Generator" at both Facilities.[7]

The industrial activities that occur at the Air Industries Facilities involve: unloading trucks transporting raw materials, including but not limited to, raw metal spools; vehicle maintenance, use, and storage; transporting chemicals and raw materials across each facility and between the Knott Facility and Chapman Facility; raw and finished material storage; metal cutting, grinding, shaping, plating, hardening, finishing, and threading. These processes involving raw metal spools require large pieces of machinery, and large qualities of oil and chemicals.

B. Air Industries' Industrial Activities

The pollutants associated with operations at the Air Industries Facilities include, but are not limited to: pH affecting substances; metals, such as iron and aluminum; toxic metals, such as lead and zinc; TSS; TOC; COD; gasoline and diesel fuels; fuel additives; coolants; antifreeze; trash; specific conductance affecting substances; nitrate as nitrogen, and O&G.

Information available to Coastkeeper indicates Air Industries has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the Air Industries Facilities to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Air Industry Facilities during rain events. Consequently, during rain events

[7] *See* http://www3.epa.gov/enviro/facts/rcrainfo/search.html

storm water carries pollutants from the Air Industries Facilities' material, oil, and chemical storage area(s), parking area(s), fueling and maintenance area(s), loading and unloading areas(s), garbage and refuse storage area(s), scrap metal bin areas, washing area(s), and other areas into the storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Coastkeeper also indicates that O&G, metal particulates, particulates of chemically polluted gravel and dust have been and continue to be tracked from raw material and refuse storage areas, parking areas, and equipment maintenance and washing areas throughout the Air Industry Facilities. These pollutants accumulate near parking, and loading and unloading areas, and the driveways leading into the Air Industries Facilities. As a result, trucks and vehicles leaving the Air Industries Facilities via the driveways are pollutant sources tracking sediment, dirt, O&G, metal particles, and other pollutants off-site.

Information available to Coastkeeper indicates that raw materials, hazardous waste, leaking machinery not in use or broken, scrap metal debris, oily and rusted equipment, and other waste, are often stored outside, and some activities occur outside without adequate cover or containment resulting in discharges of polluted storm water. Additionally, activities involving hazardous materials and waste associated with manufacturing, maintenance, fueling, and washing of manufacturing equipment, occur outside without secondary containment or other measures to prevent polluted storm water and prohibited non-storm water discharges from discharging from the Air Industries Facilities. These activities are all significant pollutant sources at the Air Industries Facilities. Air Industries' pattern and practice of poor performance in these regards has been well documented by local agencies through the years.

Air Industries' failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act. Information available to Coastkeeper indicates that Air Industries discharges process treatment waters from manufacturing and other activities as part of its industrial operations. These illegal discharges of polluted storm and non-storm water negatively impact Coastkeeper's members' use and enjoyment of the Receiving Waters by degrading the quality of the Receiving Waters and by posing risks to human health and aquatic life.

C. Air Industries Facilities Storm Water Flow and Discharge Locations

Information available to Coastkeeper indicates that storm water polluted by Air Industries' industrial operations, at the Knott Facility (APN 21501120) is discharged to Receiving Waters via at least three discharge points: the first discharge point is located in the southwest corner of the Knott Facility through a driveway; the second discharge point is located in the southeast corner of the Knott Facility property directly adjacent to an alley; the third discharge point is in the northeast corner of the Knott. Information available to Coastkeeper indicates that first discharge point is through one of the two driveways, and much of the storm water flow travels through a parking area and past the other driveway before exiting the Knott Facility; the second discharge point abuts an industrial alleyway with storm water flowing south

down the alley, past trash bins, a loading dock, and an oil and chemical drum storage area and into a municipal storm drain on the property; and the third discharge point takes storm water after it flows north down the same alleyway eventually out to a storm drain on Lampson Avenue. Information available to Coastkeeper indicates that much of the storm water originating from the Knott Facility flows off the roof through drains discharging to a parking area next to building on the north and south side of the property, and then on to separate paved swales, through the parking lots, flowing west towards Knott Street. Once storm water is discharged from the site into storm water drain inlets, it enters the storm drain system. From the Orange County storm drain system, storm water enters Huntington Harbor.

Information available to Coastkeeper indicates that storm water polluted by Air Industries' industrial operations at the Chapman Facility (APN 13134409) is discharged to Receiving Waters via at least two discharge point, both through driveways to Chapman Avenue on the north side of the Chapman Facility. This first discharge point is located on the northwestern corner of the property. A paved swale from the center and slopes north carrying storm water out the main driveway to Chapman Avenue. The second discharge point is located in the northeast corner of the Chapman Facility. A paved swale carries water from the center and slopes north carrying storm water out to Chapman Avenue through a routinely gated driveway. Storm water originating from the roof flows through drains that exit to parking spaces next to the building on the west side; on the east side the water drains from the roof to parking spaces, and areas directly adjacent to the loading dock and past uncovered metal refuse; on the south side of the building water flows off the roof and heads both east and west, west into the swale and past the parking areas, and east past used oil and chemical drums, and used machinery and equipment, not properly covered. Once discharged to the Chapman Facility storm water enters a drain inlet on Chapman Avenue and into the storm drain system. From the Orange County storm drain system, storm water enters Huntington Harbor.

Information available to Coastkeeper also indicates that outdoor areas at both of the Knott Facility and the Chapman Facility are littered with used machinery and equipment, leaking empty and partly full oil and chemical drums without adequate secondary containment, uncovered and stored on the ground, trash, metal refuse, open oily metal bins, and other pollutants and potential pollutants, all of which is exposed to storm water. Information available to Coastkeeper also indicates that both Air Industries Facilities have large air conditioning units that produce non-storm water discharges.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMITS

The Clean Water Act requires that any person discharging pollutants to a water of the United States from a point source[8] obtain coverage under an NPDES permit. *See* 33 U.S.C.

[8] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14);

§§ 1311(a), 1342; 40 CFR § 122.117(c)(1). CWA § 402 further requires each discharger to meet minimum technology-based treatment requirements. Discharges of toxic pollutants must be treated pursuant to the best available technology ("BAT"), 33 U.S.C. § 1311 (b)(2)(A), and other pollutant discharges must comply with best conventional technology ("BCT"). 33 U.S.C. § 1311(b)(2)(E).

In addition to implementing technology-based controls, each point source discharger must achieve "any more stringent limitation necessary to meet water quality standards[.]" 33 U.S.C. § 1311(b)(1)(C). Water quality standards establish the water quality goals for a water body. 40 C.F.R. § 131.2. They serve as the regulatory basis for the establishment of water quality-based controls over point sources, as required under § 301 and § 306 of the CWA. Once water quality standards are established for a particular water body, any NPDES permit authorizing discharges of pollutants into that water body must ensure that the applicable water quality standard will be met. 33 U.S.C. § 1311 (b)(l)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d).

Between 1997 and June 30, 2015, the Storm Water Permit in effect was Order No. 97-03-DWQ, which Coastkeeper refers to as the "1997 Permit." The 1997 Permit requires that dischargers meet all applicable provisions of Sections 301 and 402 of the CWA. Rather than requiring specific application of BAT and BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constitutes failure to subject discharges to BAT/BCT, and is a violation of the CWA.

On July 1, 2015, pursuant to Order No. 2015-0057-DWQ the Storm Water Permit was reissued, and includes the same fundamental terms as the prior permit. For purposes of this Notice Letter, Coastkeeper refers to the reissued permit as the "2015 Permit." The 2015 Permit retains this core statutory requirement to meet BAT/BCT standards. Just like the 1997 Permit, the 2015 Permit requires all facility operators to develop and implement SWPPP that includes BMPs, although the 2015 Permit now requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary, to achieve compliance with the effluent and receiving water limitations of the 2015 Permit. In addition, the 2015 Permit requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare sample and analytical results with numeric action levels ("NALs"). All facility operators are required to perform Exceedance Response Actions ("ERAs") as appropriate whenever sampling indicates NAL exceedances.

Both the 1997 Permit and the 2015 Permit generally require facility operators to: (1) submit a Notice of Intent ("NOI") that certifies the type of activity or activities undertaken at the facility and committing the operator to comply with the terms and conditions of the permit; (2) eliminate unauthorized non-storm water discharges; (3) develop and implement a SWPPP; (3)

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see 40 C.F.R. § 122.2

perform monitoring of storm water discharges and authorized non-storm water discharges; and (4) file an Annual Report that summarizes the year's industrial activities and compliance with the Storm Water Permit.

Industrial activities conducted at the Air Industries Facilities fall under SIC codes 3452 and 3471 which require Air Industries to obtain Storm Water Permit coverage for both the Knott Facility and the Chapman Facility. The Storm Water Permit classifies facilities with SIC codes 3452 and 3471 under "Fabricated Metal Products." *See* 1997 Permit at Table D; 2015 Permit §XI(B) Table 1.

A. Unauthorized Non-Storm Water Discharges from the Air Industries Facilities

The Storm Water Permit prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. 2015 Permit, Discharge Prohibition III.B; 1997 Permit, Discharge Prohibition A(1). Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* 1997 Permit, Discharge Prohibition A(1); 2015 Permit, Discharge Prohibition III.B.

Information available to Coastkeeper indicates that unauthorized non-storm water discharges occur at the Facilities due to inadequate BMP development and/or implementation necessary to prevent these discharges. For example, unauthorized non-storm water discharges occur at the Air Industries Facilities from the Facilities' process water and/or and equipment and machinery cleaning activities occur. The Air Industries Facilities Owners and/or Operators conduct these activities without BMPs to prevent related non-storm water discharges. Non-storm water discharges resulting from washing and cleaning are not from sources that are listed among the authorized non-storm water discharges in the Storm Water Permit and thus are always prohibited under the Storm Water Permit.

Coastkeeper puts the Air Industries Facilities Owners and/or Operators on notice that the Storm Water Permit is violated each time non-storm water is discharged from the Air Industries Facilities. These discharge violations are ongoing and will continue until the Air Industries Facilities Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges or obtains separate NPDES permit coverage. Further, given that the Air Industries Owners and/or Operators' non-storm water discharge violations are ongoing, Coastkeeper also puts the Air Industries Owners and/or Operators on notice that the Storm Water Permit is violated each time non-storm water is discharged from the Air Industries Facilities. Each time the Air Industries Facilities Owner and/or Operator discharges prohibited non-storm water in violation of Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III.B. of the 2015 Permit is a separate and distinct violation of the Storm Water Permit and section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Coastkeeper will update the number and dates of violations when additional information becomes available. The Air Industries Facilities Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

B. Discharges of Polluted Storm Water from the Air Industries Facilities

The Storm Water Permit states that storm water discharges from facilities shall not exceed specified effluent limitations. 1997 Permit, Effluent Limitation B(1); 2015 Permit, Effluent Limitation V.B. Compliance with the effluent limitation guidelines constitutes compliance with best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") for the specified pollutants and must be met to comply with the Storm Water Permit. 1997 Permit, Fact Sheet at VIII; 2015 Permit, Fact Sheet at pp. 15-17.

Certain activities undertaken at the Air Industries Facilities pose significant risks to water quality, including outdoor storage of chemicals drums, oil drums, leaking and rusted machinery, metal shavings and other scrap metal. The Knott Facility 2015 SWPPP indicates in the List of Industrial Materials that materials present at the Knott Facility include, waste acid, waste filtercake, waste sandblast grit, oils, and chemical cleaners.

Because metal manufacturing facilities are likely to discharge storm water runoff that is contaminated, the EPA provides a storm water fact sheet for fabricated metal products manufacturing facilities. *See* Environmental Protection Agency, *Sector AA: Fabricated Metal Products Manufacturing Facilities* (EPA-833-F-06-042) December 2006. The fact sheet offers facility operators guidance on how to prepare storm water management programs that are appropriate for their facility and operations. Table 1 below sets forth the EPA chart regarding the various pollutant sources and pollutants that are typically associated with facilities such as the Air Industries Facilities. Despite this EPA guidance, and the known impairments to the Receiving Waters, Air Industries does not test for COD, chromium, dieldrin, nickel, copper, or lead.

Table 1: ***COMMON ACTIVITIES, POLLUTANT SOURCES, AND ASSOCIATED POLLUTANTS AT FABRICATED METAL PRODUCTS MANUFACTURING FACILITIES***

Activity	Pollutant Source	Pollutant
Tool workpiece interface/ shaving, chipping	Used metal working fluid with fine metal dust	Total suspended solids (TSS), chemical oxygen demand (COD), oil and grease
Parts/tools cleaning, sand blasting, metal surface cleaning, removal of applied chemicals	Solvent cleaners, abrasive cleaners, alkaline cleaners, acid cleaners, rinse waters	Spent solvents, TSS, acid/alkaline waste, oil
	Solvents, cold and hot dips, cleaning parts, degreasing	Acid, coolants, clean composition, degreaser, mineral spirits, pickle liquor, spent caustic, sludge.
Making structural components	Cuttings, scraps, turnings, fines	Metals
Painting operations	Paint and paint thinner spills, sanding, spray painting	Paints, spent solvents, heavy metals, TSS
	Empty containers, paint application wastes, spills, over spraying, storage areas	Paint wastes, thinner, varnish, heavy metals, spent chlorinated solvents
Cleanup of spills and drips	Used absorbent materials	TSS, spilled material

Activity	Pollutant Source	Pollutant
Transportation or storage of materials	Wood dunnage/pallets	BOD, TSS
Metal preparation	Grinding, welding, sawing, shaving, brazing, bending, cutting, etching	Steel scraps, aluminum scraps, brass, copper, dust, chips and borings, steel scale, teflon, manganese.
Surface treatment	Finishing, plating, case hardening, chemical coating, coating, polishing, rinsing, abrasive cleaning,	Acid, aromatic solvent, corn cob, lubricants, sand, oil, pH, nitrates, nitrites, carbon, phosphates, borates, nitrogen, oily sludge,
Galvanizing	Spills, leaks, transporting materials	Acid solution, phosphates, zinc chromate, hexavalent chromium, nickel.
Heavy equipment use and storage	Leaking fluids, fluids replacement, washing equipment, use on poor surface area, soil disturbance	Oil, heavy metals, organics, fuels, TSS, hydraulic oil, diesel fuel, gasoline
Equipment/vehicle maintenance	Leaking fluids, fluids replacement, washing equipment	Oil, grease
	Vehicle fueling	Gas/diesel fuel, fuel additives
Storage of uncoated structural steel	Stored on porous pavement	Aluminum, lead, zinc, copper, iron, oxide, oil, nickel, manganese.
Storing galvanized steel directly on the ground	Galvanizing material drippage or leaching	Metals: zinc, nickel, cadmium, chromium.
Vehicle/equipment traffic	Soil disturbance and erosion	TSS from erosion, hydraulic fluid loss/spillage
Cleaning equipment/vehicles	Chemicals disposed improperly, spillage	Oil, grease, surfactants, chromates, acid, hydroxide, nitric acid

C. Applicable Effluent Standards or Limitations

The Storm Water Permit requires all industrial facilities to sample and analyze storm water discharges for the following parameters: pH, total suspended solids ("TSS"), specific conductance ("SC")[9], and total organic carbon ("TOC") or oil and grease ("O&G"). *See* 1997 Permit, § B(5)(c)(i); 2015 Permit, §§ XI(B)(6)(a), (b). Air Industries' Owners and/or Operators 2015 NOIs both dated May 18, 2015, identify the Facilities as generally involved in manufacturing and finishing of metal parts under SIC codes 3452, and 3471 for the Knott Facility only. Fabricated metal products facilities classified under SIC codes 3452 and 3471, must also sample and analyze samples for zinc ("Zn"), nitrate + nitrite nitrogen ("N+N" or "Nitrate as Nitrogen"), iron ("Fe"), and aluminum ("Al"). *See* 1997 Permit at Table D; 2015 Permit, § VI(B) at Table 1.

The EPA has published "benchmark" levels as numeric thresholds for helping to determine whether a facility discharging industrial storm water has implemented the requisite BAT and BCT mandated by the CWA. *See United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective May 27, 2009. These benchmarks represent pollutant

[9] The 2015 Permit no longer requires testing for Specific Conductance.

concentrations at which a storm water discharge could potentially impair, or contribute to impairing, water quality, or affect human health from ingestion of water or fish. EPA benchmarks have been established for pollutants discharged by the Air Industries Facilities, and include: TSS—100 mg/L; SC—200 uhmos/cm; TOC—110 mg/L; O&G—15 mg/L; Zn—0.117 mg/L; N+N—0.68 mg/L; Fe—1.0 mg/L; Al—0.75 mg/L and pH—6.0-9.0 s.u. However, the Basin Plan contains narrower effluent levels for pH: for bays and estuary waters, pH—7.0-8.6 s.u; for inland surface waters, pH —6.5-8.5 s.u.

The Criteria for Priority Toxic Pollutants in the State of California, or California Toxics Rule ("CTR"), set forth in 40 C.F.R. § 131.38, establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR sets forth lower numeric limits for Zinc and other pollutants; CTR criteria can be as low as 0.067 mg/L for zinc in freshwater surface waters with water hardness calculation of 50 mg/L.[10] Coastkeeper puts Air Industries on notice that they have violated, and continue to violate the CTR, and by extension the CWA, for Zinc and other constituents each time polluted storm water discharges from the Air Industries Facilities.

Storm water sampling at the Air Industries Facilities demonstrates that storm water discharges contain concentrations of pollutants above the applicable Effluent Limits. For example, the effluent limitation based upon BPT and BAT for TSS is 100 mg/L. *See* 2015 Permit §XI(B) Table 2. Self-reported testing submitted to the Regional Water Quality Control Board (RWQCB) showed exceedances of the EPA Benchmark for TSS by a magnitude of 1.58 and 1.38, 1.29, and 1.21 at the Knott Facility, and 1.71, 1.43 and 1.36 at the Chapman Facility. *See* Exhibit A.

Information available to Coastkeeper indicates that the Air Industries Facilities' Owners and/or Operators violate the Storm Water Permit by discharging storm water containing pollutants in excess of, or outside the range of, the applicable effluent limitations each time Air Industries discharges storm water from the Facilities. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every day the Air Industries Owners and/or Operators discharge storm water from the Facilities that contains concentrations of pollutants in excess of, or outside the range of, the applicable effluent limitations. Coastkeeper will include additional violations as information and data become available. Further, given that the Air Industries Owners and/or Operators effluent limitation violations are ongoing, and recent test results indeed evidence additional effluent violations, Coastkeeper also puts the Air Industries Owners and/or Operators on notice that Effluent Limitation V.B. of the 2015 Permit is violated each time storm water is discharged from the Air Industries Facilities after July 1, 2015. Each time the Air

[10] The CTR numeric limits, or "criteria," are expressed as dissolved metal concentrations in the CTR, but the Storm Water Permit required permittees to report their sample results as total metal concentrations. *See* 1997 Permit § B(10)(b); 2015 Permit, Attachment H at 18. To compare sample results reported by the Air Industries Facilities with the CTR criteria, Coastkeeper will use the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i). The applicable CTR criteria also requires a hardness value.

Industries Facilities Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V.B. of the 2015 Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Air Industries Facilities Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

D. Discharges of Polluted Storm Water from the Air Industries Facilities in Violation of BAT/BCT

The Storm Water Permit and Clean Water Act require dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic[11] and non-conventional pollutants and BCT for conventional pollutants.[12] 33 U.S.C. §§ 1311 (b)(2)(A) and (b)(2)(E); 1997 Permit, Effluent Limitation B(3); 2015 Permit, Effluent Limitation V.A. The Federal Effluent Limitations define application of BAT for TSS and pH as numeric effluent limitations. A discharge of storm water which exceeds the Federal Effluent Limitations is a failure to achieve BAT/BCT. Further, EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards. [13]

Information available to Coastkeeper demonstrates that the Air Industries Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Facilities that achieve compliance with the BAT/BCT standards. Consistent with Air Industries' lack of adequate BMPs, the analytical results of storm water sampling at the Facilities demonstrates the Air Industries Facilities Owners and/or Operators have failed and continue to fail to implement BAT/BCT. Specifically, analysis of discharges from the Air Industries Facilities demonstrates that storm water discharges from the Facilities consistently contain concentrations of pollutants above the Federal Effluent Limitations and EPA Benchmarks. *See, e.g.,* Exhibit A. For example, a Federal Effluent Limitation for Zn is .26 mg/L and the EPA Benchmark is .117 mg/L. A storm water sample that Air Industries collected from the Knott Facility in September of 2014 exceeded the Federal Effluent Limitation by one hundred ten (110) times and the EPA Benchmark by two hundred forty-four times (244). A storm water sample collected from the Chapman Facility in April of 2015 exceeded the Federal Effluent Limitation by twenty-seven (27) times and the EPA Benchmark by sixty-one (61) times. The Federal Effluent Limitation and EPA Benchmark for N+N is .68 mg/L. A storm water sample that Air Industries collected from the Knott Facility in September 2014 show exceeded and EPA Benchmark by one hundred twenty (120) times.

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[11] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[12] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.

[13] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit") at 136; *see also*, 65 Federal Register 64851 (2000).

Testing between February 2014 and December 2015 shows exceedances of the EPA Benchmark levels for heavy metals at both Facilities. The exceedances of EPA Benchmark levels recorded thus far include aluminum by magnitudes of 9.17, 7.27, 6.71, 5.13, 4.83, 4.65, 3.96, 3.75, 3.55, 3.32, 6.7, 2.56, 2.11, 1.95 and 1.4; iron by magnitudes of 8.34, 5.66, 5.37, 4.43, 4.07, 3.86, 3.80, 3.34, 3.22, 2.71, 2.51, 1.25, and 1.08. The repeated and significant exceedances of EPA Benchmarks demonstrate that Air Industries Owners and/or Operators have failed to develop and/or implement required BMPs at the Facilities that achieve compliance with the BAT/BCT standards.

Information available to Coastkeeper indicates that the Air Industries Facilities Owners and/or Operators violate the Storm Water Permit and CWA for failing to develop and/or implement BMPs that achieve BAT/BCT each time Air Industries discharges storm water from the Facilities. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every time Air Industries discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Coastkeeper will update the dates of violations when additional information and data become available. Further, given that the Air Industries Owners and/or Operators' effluent limitation violations are ongoing, and recent samples show additional exceedances, Coastkeeper also puts the Air Industries Owners and/or Operators on notice that Effluent Limitation V.A. of the 2015 Permit is violated each time storm water is discharged from the Air Industries Facilities after July 1, 2015. Each time Air Industries discharges polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V.A. of the 2015 Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Air Industries Facilities Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

E. Discharges of Polluted Storm Water from the Air Industries Facilities in Violation of Receiving Water Limitations

The Storm Water Permit and the CWA prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[14] 33 U.S.C. § 1311 (b)(l)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d); 2015 Permit, Receiving Water Limitation VI.A; 1997 Permit, Receiving Water Limitation C(2). Discharges that contain pollutants in excess of an applicable WQS violate these requirements.

The Storm Water Permit also prohibits storm water discharges and authorized non-storm

[14] The Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to impairment of Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and water quality objectives in the Basin Plan.

water discharges to surface water that adversely impact human health or the environment. 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and the Clean Water Act.

Storm water sampling at the Air Industries Facilities demonstrates that discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS. For example, the WQS from the Basin Plan for pH is 6.5-8.5 s.u. for inland surface waters such as Bolsa Chica Channel, and 7-8.6 s.u. for estuary and bay water bodies, such as Anaheim Bay, and one of the pH samples of the storm water discharged from the Chapman Facility in April 2015 measured 5.52 s.u., 1.48 s.u. below the acceptable range for pH WQS for estuaries and bays. These exceedances of WQS demonstrate that Air Industries has violated and continues to violate Receiving Water Limitation C(2) of the 1997 Permit, and Receiving Water Limitation VI.A. of the 2015 Permit.

As explained herein, the Receiving Waters are impaired, and thus unable to support the designated beneficial uses, and may become impaired with other pollutants discharging from the Air Industries Facilities. The 2010 303(d) List of Impaired Water Bodies lists Huntington Harbor, Anaheim Bay and the Bolsa Chica Channel as impaired for multiple pollutants. Information available to Coastkeeper indicates that the Air Industries Facilities' storm water discharges contain elevated concentrations of pollutants, such as aluminum, iron and pH, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in Huntington Harbor, Anaheim Bay, and Bolsa Chica Channel. *See* Exhibit A. Discharges of elevated concentrations of pollutants in the storm water from the Air Industries Facilities also adversely impact human health. These harmful discharges from the Air Industries Facilities are violations of Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI.B. of the 2015 Permit.

Coastkeeper puts Air Industries Facilities Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or (2) of the 1997 Permit are violated each time polluted storm water discharges from the Air Industries Facilities. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every time contaminated storm water is discharged in violation of Receiving Water Limitation C(1) and/or C(2) of the 1997 Permit. Further, given that the Air Industries Owner and/or receiving water limitations violations are ongoing, and recent test results revealed violations under the 2015 Permit, Coastkeeper also puts the Air Industries Owners and/or Operators on notice that Receiving Water Limitations VI.A. and VI.B. of the 2015 Permit are violated each time storm water is discharged from the Air Industries Facilities after July 1, 2015. Each time discharges of storm water from the Facilities cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time discharges from the Facilities adversely impact human health or the environment is a separate and distinct violation

of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Coastkeeper will update the dates of violation when additional information and data becomes available. Air Industries Facilities Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

F. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan

The Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Air Industries Facilities, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis, and must be revised as necessary to ensure compliance with the Storm Water Permit. *See* 1997 Permit, Sections A(1)-A(10) and Provision E(2); 2015 Permit, Sections X.A.-C.

Among other requirements, the SWPPP must include: a site map showing the Facilities boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, areas of industrial activity, and other features of the Facilities and their industrial activities; a list of significant materials handled and stored at the site; a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may occur; and an assessment of potential pollutant sources at the Facilities and a description of the BMPs to be implemented at the Facilities that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective. 1997 Permit Sections A(3)-A(10); 2015 Permit, Section X.D.-H.

Information available to Coastkeeper indicates that the Air Industries Facilities Owners and/or Operators have been and continue to conduct operations at the Facilities with an inadequately developed and/or implemented SWPPP. For example, the SWPPP site map for the Air Industries Facilities does not include all of the information required by the Storm Water Permit, such as an outline of all storm water drainage areas within the Facilities boundaries, exact portions of the drainage area impacted by run-on from surrounding area, areas of soil erosion, nearby water bodies, the location of the storm water collection and conveyance system, discharge locations, structural control measures that affect storm water discharges, , all locations where materials are directly exposed to precipitation, or all areas of industrial activity.

The Air Industries Facilities Owners and/or Operators have also failed to properly revise the Facilities' SWPPPs to ensure compliance with the Storm Water Permit. Despite the significant concentrations of pollutants in the Facilities' storm water discharges every year since at least the 2013-2014 Wet Season,[15] the Facilities' current SWPPPs are new, dated June 2015, yet were not revised to include additional, sufficiently effective BMPs to eliminate or reduce these pollutants, as required by the 1997 Permit or the 2015 Permit.

The Air Industries Facilities Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of the Storm Water Permit. Every day the Air Industries Facilities operate with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Air Industries Facilities Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least February 29, 2011. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available, including specifically any additional violations of the SWPPP provisions of the 2015 Permit beginning July 1, 2015. The Air Industries Facilities Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

G. Operation of Industrial Facilities Without Complete Permit Coverage in Violation of the Storm Water Permit and the Clean Water Act

As discussed above, industrial operators in California must enroll under the Storm Water Permit and comply with the terms of the Permit in order to lawfully discharge storm water under the CWA. The Storm Water Permit requires operators to identify the appropriate SIC codes for the facility, and sample and analyze storm water discharges for any additional parameters associated with those SIC codes. *See* 1997 Permit, § B(5)(c)(iii); 2015 Permit, § XI(B)(6)(d). Hazardous waste treatment, storage or disposal facilities are categorized under SIC code 4953, and are required to sample for more parameters than are metal finishing facilities, including ammonia, magnesium, chemical oxygen demand, arsenic, cadmium, cyanide, lead, mercury, selenium, and silver. *See* 1997 Permit, Table D; 2015 Permit, § VI(B) Table 1.

Information available to Coastkeeper indicates that Air Industries has failed to obtain Storm Water Permit coverage for all of the regulated industrial operations conducted at the Facilities. Available information indicates that the Facilities' industrial activities include hazardous waste treatment, storage, or disposal.[16] Chemicals drums and drums containing oils are stored inside and outside at both the Knott and Chapman Facilities. Hazardous waste is generated, treated, and then disposed. *See* 2015 Air Industries SWPPPs. Accordingly, Air

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[15] The Storm Water Permit defines the Wet Season as October 1 – May 30.

[16] For example, information available in EPA's Resource Conservation and Recovery Act ("RCRA") database indicates that Air Industries is enrolled under the RCRA hazardous waste permitting program, and is classified as a "Large Quantity Generator" at both Facilities. *See* http://www3.epa.gov/enviro/facts/rcrainfo/search.html. Air Industries RCRA Handler IDs are CAD009548256 (Knott Facility) and CAD981975485 (Chapman Facility)

Industries should also classify their Facilities as "Hazardous Waste Treatment, Storage or Disposal Facility (RCRA Subtitle C)." However, Air Industries failed to identify SIC code 4953 in any of its available NOIs. In addition, Air Industries has failed to analyze its storm water samples for all of the additional required parameters associated with SIC Code 4953, for at least the past five years.

Air Industries therefore has failed to obtain complete Permit coverage by failing to identify all SIC codes applicable to its industrial activities. Every day Air Industries conducts industrial activities without complete Permit coverage is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the CWA. In addition, every time Air Industries fails to analyze its storm water samples for the parameters associated with SIC Code 4953 is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the CWA. Air Industries is in ongoing violation of the requirement to obtain and comply with an appropriate Permit, and EDC will include additional violations when further information becomes available. Air Industries is subject to civil penalties for all violations of the CWA occurring since February 29, 2011.

H. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the 1997 Permit require Facilities operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or prior to the commencement of industrial activities at the Facilities, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 1997 Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the Facilities, and must be evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.*

Sections B(5) and B(7) of the 1997 Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under Section B(5) of the Storm Water Permit, the Facilities owners and/or operators are required to collect at least two (2) samples from each discharge location at their Facilities during the Wet Season. Storm water samples must be analyzed for TSS, pH, specific conductance ("SC"), total organic carbon or O&G, and other pollutants that are likely to be present in the Facilities' discharges in significant quantities. *See* 1997 Permit, Section B(5)(c). The 1997 Permit requires facilities classified as SIC codes 3452 and 3471, such as the Air Industries Facilities, to also analyze storm water samples for aluminum, zinc, nitrate, as nitrogen, and iron. *Id.*; *see also* 1997 Permit, Table D, Sector E.

Section B(7)(d) of the 1997 Permit allows for the reduction of sampling locations in very limited circumstances when "industrial activities and BMPs within two or more drainage areas

are substantially identical." If a discharger seeks to reduce sampling locations, the "[f]acility operators must document such a determination in the annual report." *Id.*

The Air Industries Facilities Owners and/or Operators have been conducting operations at the Air Industries Facilities with an inadequately developed, implemented, and/or revised M&RP. For example, the Air Industries Facilities Owners and/or Operators failed to collect samples from a Qualifying Storm Event ("QSE") at both Facilities, and as a result under reported for the 2013-2014 reporting year, in violation of Section B(5) of the Storm Water Permit.

Additionally, the Air Industries Facilities Owners and/or Operators failed to provide adequate records, as required by Section B(4) of the 1997 Permit, for the monthly visual observations of storm water discharges. The 1997 Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. Storm Water Permit, Section B(4)(c). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. *Id.* By reporting a lack of QSE at both facilities, the Air Industries Facilities Owners and/or Operators also violated Section B(5) of the 1997 Permit.

Based on information available to Coastkeeper, the Air Industries Owners and/or Operators consistently failed to properly collect samples from QSE, and conduct and/or document the required observations of storm water discharges within the first hour of discharge, from all discharge locations, and/or from one qualifying storm event per month. The Air Industries Owners and/or Operators also failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges as evidenced by the retention of records, including inspection dates, otherwise required to be submitted with Annual Reports.

The Air Industries Facilities Owners and/or Operators also failed to collect and analyze storm water samples as required by the 1997 Permit. The 1997 Permit requires permittees to collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season. 1997 Permit, Section B(5)(a). All discharge locations must be sampled. *Id.* Sample collection is only required of storm water discharges that occur during scheduled Facilities operating hours and that are preceded by at least three working days without storm water discharge. 1997 Permit, Section B(5)(b).

Furthermore, the Air Industries Owners and/or Operators consistently failed to collect the required storm water samples in violation of the Storm Water Permit's M&RP requirements. Specifically, Air Industries Facilities Owners and/or Operators collected zero (0) samples from the Chapman Facility during the 2013-2014 reporting year. Yet at the Knott Facility the Air Industries Facilities Owners and/or Operators collected samples from a QSE on February 27, 2014. The Facilities are approximately .7 miles apart. The Air Industries Facilities Owners and/or Operators collected one (1) sample from the Knott Facility during the 2013-2014 reporting year. Information available to Coastkeeper indicates that there were approximately

eleven (11) storm events where in excess of .1 inch of rainfall was measured at Los Alamitos Army Air Field, in close proximity to the Air Industries Facilities.

Finally, upon information available to Coastkeeper, Air Industries Owners and/or Operators failed to collect storm water samples during the 2010-2011 through 2012-2013 wet seasons, despite the occurrence of qualifying rain events, in violation of the Storm Water Permit and the CWA. *See* Exhibit B. Similarly, information available to Coastkeeper suggests that annual reports were never filed for these Facilities prior to the 2013-2014 reporting year.
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The Air Industries Facilities Owner's and/or Operator's failure to conduct sampling and monitoring as required by the Storm Water Permit demonstrates that it has failed to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the 1997 Permit and Section XI of the 2015 Permit. Every day that the Air Industries Facilities Owners and/or Operators conduct operations in violation of the specific monitoring requirements of the 1997 Permit or the 2015 Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the 1997 Permit or the 2015 Permit, and the Clean Water Act. The Air Industries Facilities Owner and/or Operators has been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least 2011. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available, including specifically continuing violations of the 2015 Permit monitoring requirements (*see* 2015 Permit, Section XI.). The Air Industries Facilities Owners and/or Operators is subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

I. Failure to Comply with the Storm Water Permit's Reporting Requirements

Section B(14) of the 1997 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13). The 2015 Permit includes the same annual reporting requirement. *See* 2015 Permit, Section XVI.

The Air Industries Facilities Owners and/or Operators have failed and continue to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, in each Annual Report since the filing of a 2013-2014 Annual Reports for each of the Facilities, the Air Industries Facilities Owners and/or Operators certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper indicates that these certifications are erroneous. For example, as discussed above, storm water samples collected from the Facilities have consistently contained concentrations of pollutants above Benchmark Levels, thus

demonstrating that the SWPPP's BMPs have never adequately addressed existing potential pollutant sources. Further, the Facilities' SWPPPs do not include many elements required by the Storm Water Permit, and thus it is erroneous to certify that the SWPPPs comply with the Storm Water Permit. Finally, upon information and belief, the Air Industries Facilities Owners and/or Operators failed to submit Annual reports from the 2010-2011 and 2012-2013 reporting years. *See* Section B(14) of the 1997 Permit. Similarly, information available to Coastkeeper suggests that annual reports were never filed for these Facilities prior to the 2013-2014 reporting year.

The Air Industries Facilities Owners and/or Operators have also submitted incomplete Annual Reports. For instance, the Facilities operators must report any noncompliance with the Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance, 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. 1997 Permit, Section C(11)(d). The Air Industries Facilities Owners and/or Operators did not report their non-compliance as required.

Finally, the Storm Water Permit requires a permittee whose discharges violate the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards, along with an implementation schedule. 1997 Permit, Receiving Water Limitations C(3) and C(4). Information available to Coastkeeper indicates that the Air Industries Facilities Owners and/or Operators failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the 1997 Permit. As such, the Air Industries Facilities Owners and/or Operators are in daily violation of this requirement of the Storm Water Permit.

Information available to Coastkeeper indicates that the Air Industries Facilities Owners and/or Operators have submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Air Industries Facilities Owners and/or Operators are in daily violation of the Storm Water Permit. Every day the Air Industries Facilities Owners and/or Operators conduct operations at the Facilities without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Air Industries Facilities Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least February 29, 2011 These violations are ongoing, and Coastkeeper will include additional violations when information becomes available, including specifically violations of the 2015 Permit reporting requirements (*see* 2015 Permit, Section XVI.). The Air Industries Facilities Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 29, 2011.

IV. RELIEF SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the

period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations after February 29, 2011. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

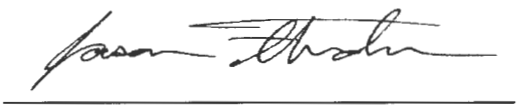
V. CONCLUSION

Coastkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Air Industries' violations of the Storm Water Permit.

If you wish to pursue settlement discussions, please contact Coastkeeper's legal counsel:

Aqua Terra Aeris Law Group
Jason R. Flanders
409 45th Oakland, CA 94609
916-202-3018

Sincerely,



ATA
AQUA TERRA AERIS
LAW GROUP

SERVICE LIST

VIA U.S. CERTIFIED MAIL

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EXHIBIT A

SAMPLING DEMONSTRATING EXCEEDANCES OF EPA BENCHMARKS, EFFLUENT LIMITATION, OR BASIN PLAN WQS

Knott Facility: 12570 Knott St. Garden Grove, CA 92841

Date of Sample	Sample Location	Constituent	EPA Benchmark Value, Federal Effluent Limit, and/or or Basin Plan Value(s)[1]	Sample Value	Multiple of EPA Benchmark[2] or other applicable standard
02/27/2014	North Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.7 s.u.	
02/27/2014	North Alley	Zinc	.117 mg/L	.169 mg/L	1.44
02/27/2014	South Alley	Zinc	.117 mg/L	1.2 mg/L	10.26
02/27/2014	South Alley	Specific Conductance	200 umhos/cm	573 umhos/cm	2.865
02/27/2014	South Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.63 s.u.	
02/27/2014	Gate	Aluminum	.75 mg/L	1.92 mg/L	2.56
02/27/2014	Gate	Iron	1.0 mg/L	4.43 mg/L	4.43
02/27/2014	Gate	Zinc	.117 mg/L	.509 mg/L	4.35
02/27/2014	Gate	TSS	100 mg/L	158 mg/L	1.58
02/27/2014	Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.28 s.u.	
09/08/2014	North Alley	Aluminum	.75 mg/L	6.88 mg/L	9.173

[1] There are two applicable Basin Plan Values for pH differing from the EPA Benchmark, related to the Air Industries Faculties: for bays and estuary waters, pH—7.0-8.6 s.u; for inland surface waters, pH —6.5 8.5 s.u.

[2] The values in the columns in this table and in the subsequent tables were calculated by taking the Sample Value and dividing it by the EPA Benchmark Limit. For example, the first aluminum sample value (taken on 4/5/2010) of 56.9 divided by 0.75 (Benchmark Limit for aluminum) equals 75.9.

Date of Sample	Sample Location	Constituent	EPA Benchmark Value, Federal Effluent Limit, and/or or Basin Plan Value(s)[1]	Sample Value	Multiple of EPA Benchmark[2] or other applicable standard
09/08/2014	North Alley	Iron	1.0 mg/L	5.07 mg/L	5.07
09/08/2014	North Alley	Zinc	.117 mg/L	28.6 mg/L	244.44
09/08/2014	North Alley	Nitrate, as Nitrogen	.68 mg/L	81.9 mg/L	120.441
09/08/2014	North Alley	Specific Conductance	200 umhos/cm	1770 umhos/cm	8.85
09/08/2014	North Alley	TSS	100 mg/L	138 mg/L	1.38
09/08/2014	North Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.19 s.u.	
09/08/2014	South Alley	Zinc	.117 mg/L	5.59 mg/L	47.78
09/08/2014	South Alley	Nitrate, as Nitrogen	.68 mg/L	3.00 mg/L	4.412
09/08/2014	South Alley	Specific Conductance	200 mg/L	563 mg/L	2.815
09/08/2014	South Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.84 s.u.	
09/08/2014	South Alley	TOC	110 mg/L	116 mg/L	1.054
09/08/2014	Gate	Iron	1.0 mg/L	1.08 mg/L	1.08
09/08/2014	Gate	Zinc	.117 mg/L	19.8 mg/L	169.23
09/08/2014	Gate	Nitrate, as Nitrogen	.68 mg/L	2.30 mg/L	3.382
09/08/2014	Gate	Specific Conductance	200 umhos/cm	2140 umhos/cm	10.7

Date of Sample	Sample Location	Constituent	EPA Benchmark Value, Federal Effluent Limit, and/or or Basin Plan Value(s)[1]	Sample Value	Multiple of EPA Benchmark[2] or other applicable standard
09/08/2014	Gate	TOC	110 mg/L	452 mg/L	4.109
04/07/2015	North Alley	Aluminum	.75 mg/L	3.85 mg/L	5.133
04/07/2015	North Alley	Iron	1.0 mg/L	5.66 mg/L	5.66
04/07/2015	North Alley	Zinc	.117 mg/L	3.50 mg/L	29.91
04/07/2015	North Alley	Nitrate, as Nitrogen	.68 mg/L	12.7 mg/L	18.676
04/07/2015	North Alley	Specific Conductance	200 umhos/cm	683 umhos/cm	3.415
04/07/2015	North Alley	TSS	100 mg/L	129 mg/L	1.29
04/07/2015	North Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.56 s.u.	
04/07/2015	South Alley	Aluminum	.75 mg/L	2.97 mg/L	3.96
04/07/2015	South Alley	Iron	1.0 mg/L	3.34 mg/L	3.34
04/07/2015	South Alley	Zinc	.117 mg/L	4.73 mg/L	40.43
04/07/2015	South Alley	Nitrate, as Nitrogen	.68 mg/L	8.96 mg/L	13.176
04/07/2015	South Alley	Specific Conductance	200 umhos/cm	310 umhos/cm	1.55
04/07/2015	South Alley	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.29 s.u.	
04/07/2015	Gate	Aluminum	.75 mg/L	2.49 mg/L	3.32
04/07/2015	Gate	Iron	1.0 mg/L	3.22 mg/L	3.22

Date of Sample	Sample Location	Constituent	EPA Benchmark Value, Federal Effluent Limit, and/or or Basin Plan Value(s)[1]	Sample Value	Multiple of EPA Benchmark[2] or other applicable standard
04/07/2015	Gate	Zinc	.117 mg/L	.265 mg/L	2.26
04/07/2015	Gate	TSS	100 mg/L	121 mg/L	1.21
04/07/2015	Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.55 s.u.	
12/19/2015	Point 1[3]	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	5.50 s.u.	
12/19/2015	Point 1	O&G	15 mg/L	15.4 mg/L	1.03
12/19/2015	Point 1	TSS	100 mg/L	610 mg/L	6.1
12/19/2015	Point 1	Aluminum	.75 mg/L	2.66 mg/L	3.55
12/19/2015	Point 1	Iron	1.0 mg/L	4.07 mg/L	4.07
12/19/2015	Point 1	Zinc	.117 mg/L	.519 mg/L	4.44
12/19/2015	Point 2	pH	6.5-8.5 s.u; 7.0-8.6 s.u..	5.50 s.u.	
12/19/2015	Point 2	O&G	15 mg/L	106 mg/L	6.88
12/19/2015	Point 2	TSS	100 mg/L	540 mg/L	5.4
12/19/2015	Point 2	Nitrate, as Nitrogen	.68 mg/L	3.26 mg/L	4.79
12/19/2015	Point 2	Aluminum	.75 mg/L	2.81 mg/L	3.75
12/19/2015	Point 2	Iron	1.0 mg/L	8.34 mg/L	8.34
12/19/2015	Point 2	Zinc	.117 mg/L	2.04 mg/L	17.44

[3] Under the June 2015, SWPPP for the Knott Facility there are two (2) sample points: Sample Point 1 in the northwest corner of the Knott Facility near a gated driveway; and Sample Point 2 on the eastside of the Knott Facility adjacent to alleyway at near the midpoint of the property, north to south.

Chapman Facility: 7100 Chapman Ave. Garden Grove, CA 92841

Date of Sample	Sample Location	Constituent	EPA Benchmark Limit, Federal Effluent Limit and/or Basin Plan Value(s)	Sample Value	Multiple of EPA Benchmark[4] or other applicable standard
09/08/2014	Gate	Aluminum	.75 mg/L	5.45 mg/L	7.266
09/08/2014	Gate	Iron	1.0 mg/L	5.37 mg/L	5.37
09/08/2014	Gate	Zinc	.117 mg/L	5.46 mg/L	46.67
09/08/2014	Gate	Specific Conductance	200 umhos/cm	937 umhos/cm	4.685
09/08/2014	Gate	TSS	100 mg/L	171 mg/L	1.71
09/08/2014	Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.24 s.u.	
09/08/2014	Gate	TOC	110 mg/L	246 mg/L	2.236
12/16/2014	East Gate	Aluminum	.75 mg/L	1.05 mg/L	1.4
12/16/2014	East Gate	Iron	1.0 mg/L	1.25 mg/L	1.25
12/16/2014	East Gate	Zinc	.117 mg/L	.758 mg/L	6.48
12/16/2014	East Gate	Nitrate, as Nitrogen	.68 mg/L	1.94 mg/L	2.852
12/16/2014	East Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.13 s.u.	
12/16/2014	West Gate	Aluminum	.75 mg/L	1.58 mg/L	2.106
12/16/2014	West Gate	Iron	1.0 mg/L	2.71 mg/L	2.71

[4] The values in the columns in this table and in the subsequent tables were calculated by taking the Sample Value and dividing it by the EPA Benchmark Limit. For example, the first aluminum sample value (taken on 4/5/2010) of 56.9 divided by 0.75 (Benchmark Limit for aluminum) equals 75.9.

Date of Sample	Sample Location	Constituent	EPA Benchmark Limit, Federal Effluent Limit and/or Basin Plan Value(s)	Sample Value	Multiple of EPA Benchmark[4] or other applicable standard
12/16/2014	West Gate	Zinc	.117 mg/L	.264 mg/L	2.26
12/16/2014	West Gate	Nitrate, as Nitrogen	.68 mg/L	.83 mg/L	1.22
12/16/2014	West Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	6.29 s.u.	
04/07/2015	East Gate	Aluminum	.75 mg/L	5.03 mg/L	6.706
04/07/2015	East Gate	Iron	1.0 mg/L	3.64 mg/L	3.64
04/07/2015	East Gate	Zinc	.117 mg/L	7.22 mg/L	61.71
04/07/2015	East Gate	Nitrate, as Nitrogen	.68 mg/L	7.76 mg/L	11.411
04/07/2015	East Gate	Specific Conductance	200 umhos/cm	466 umhos/cm	2.33
04/07/2015	East Gate	TSS	100 mg/L	136 mg/L	1.36
04/07/2015	East Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	5.52 s.u.	
04/07/2015	East Gate	TOC	110 mg/L	434 mg/L	3.945
04/07/2015	West Gate	Aluminum	.75 mg/L	1.46 mg/L	1.946
04/07/2015	West Gate	Iron	1.0 mg/L	2.51 mg/L	2.51
04/07/2015	West Gate	Zinc	.117 mg/L	.344 mg/L	2.94
04/07/2015	West Gate	TSS	100 mg/L	143 mg/L	1.43
04/07/2015	West Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	5.94 s.u.	

Date of Sample	Sample Location	Constituent	EPA Benchmark Limit, Federal Effluent Limit and/or Basin Plan Value(s)	Sample Value	Multiple of EPA Benchmark[4] or other applicable standard
1/05/2016	East Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	5.00 s.u.	
1/05/2016	East Gate	O&G	15 mg/L	15.9 mg/L	1.06
1/05/2016	East Gate	TSS	100 mg/L	164 mg/L	1.64
1/05/2016	East Gate	Nitrate, as Nitrogen	.68 mg/L	.703 mg/L	1.03
1/05/2016	East Gate	Aluminum	.75 mg/L	3.49 mg/L	4.65
1/05/2016	East Gate	Zinc	.117 mg/L	.565 mg/L	4.83
1/05/2016	East Gate	Iron	1.0 mg/L	3.86 mg/L	3.86
1/05/2016	West Gate	pH	6.5-8.5 s.u.; 7.0-8.6 s.u.	5.00 s.u.	
1/05/2016	West Gate	Nitrate, as Nitrogen	.68 mg/L	.702 mg/L	1.03
1/05/2016	West Gate	TSS	100 mg/L	145 mg/L	1.45
1/05/2016	West Gate	Aluminum	.75 mg/L	3.62 mg/L	4.83
1/05/2016	West Gate	Zinc	.117 mg/L	.530 mg/L	4.53
1/05/2016	West Gate	Iron	1.0 mg/L	3.80 mg/L	3.80

EXHIBIT B

Rain Data from Los Alamitos Army Air Field
Near Air Industries Facilities
2-16-2011 - 2-10-2016
Days with Precipitation over .1

Date	Precipitation (Inches)
2.16.11	.11
2.18.11	.54
2.19.11	.11
2.25.11	.45
2.26.11	.40
3.20.11	1.07
3.21.11	.53
3.23.11	.66
3.25.11	.22
5.17.11	.20
5.18.11	.26
9.11.11	.11
10.5.11	.53
11.4.11	.21
11.6.11	.20
11.12.11	.18
11.20.11	.62
12.12.11	.83
1.21.12	.42
1.23.12	.80
2.15.12	.2
2.27.12	.14
3.17.12	.44
3.18.12	.25
3.25.12	.42
4.11.12	.37
4.13.12	.51
4.26.12	.28
11.29.12	.23
11.30.12	.26
12.3.12	.40
12.12.12	.11
12.13.12	.28
12.18.12	.18
12.24.12	1.08
12.26.12	.10
12.29.12	.15
1.24.13	.65
2.8.13	.19
2.19.13	.25
3.8.13	.52

5.6.13	.25
Date	**Precipitation (Inches)**
10.9.13	.10
11.21.13	.17
11.29.13	.28
12.19.13	.11
2.6.14	.11
2.27.14	.49
2.28.14	1.00
3.1.14	.30
3.2.14	.11
4.2.14	.15
4.25.14	.16
11.1.14	.30
12.2.14	.93
12.3.14	.80
12.12.14	1.52
12.17.14	.20
1.10.15	.34
1.11.15	.59
2.22.15	.37
3.2.15	.27
3.7.15	.19
5.8.15	.32
5.14.15	.44
5.15.15	.32
7.18.15	.17
7.19.15	.23
9.15.15	1.64
10.4.15	.17
12.19.15	.16
12.22.15	.43
1.5.16	.87
1.6.16	.82
1.7.16	.48
1.31.16	.23
TOTAL	76 days